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Comparative Law Methodology & American Legal Culture: Obstacles and Opportunities

By Colin B. Picker*

Despite its historic presence in American law, comparative law was, until recently, largely the preserve of a few specialists, often émigrés from Europe.¹ On occasion, a legal scholar from another field would consider and employ comparative methods, but for the most part American legal scholars focused only on domestic legal matters from domestic perspectives. If they did tend to look further afield, it was usually to consider legal issues in England or, less often, in other common law or English language legal systems. Practitioners and policy makers were not any more sophisticated, and, in fact, were likely even more parochial. Today, however, certain factors, chief among them the accelerating rate of globalization, are forcing a change in perspective throughout the legal community. American legal scholars, practitioners, and policy makers are increasingly considering how legal issues are handled in other legal systems – through an international, foreign, and comparative (“ICF”) law lens.² That movement is not taking place, however, without

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1. David S. Clark, *The Modern Development of American Comparative Law: 1904-1945*, 55 AM. J. COMP. L. 587, 587-88, 613-14 (2007).

2. International law is also American law. See *The Paquete Habana*, 175 U.S. 677, 700 (1900) (“International law is part of [U.S.] law.”); see also,

controversy³ and, of greater relevance to this article, without some levels of misunderstanding, inaccuracy, and confusion.

The gradual embrace of the ICF law movement is taking place despite a significant lack of training or experience in foreign or comparative law among most of the new participants in ICF law.⁴

United States v. Ravara, 2 U.S. (2 Dall) 297, 299 n.* (1793) (“[T]he law of nations is a part of the law of the United States.”). International law is foreign in its style and construction, indeed it has significant Civil Law characteristics, and has even been described as being similar to the Mixed Jurisdictions of the world. See Colin B. Picker, *International Law's Mixed Heritage: A Common/Civil Law Jurisdiction*, 41 VAND. J. TRANSNAT'L. L. 1083, 1083, 1087 (2008); Colin B. Picker, *Beyond the Usual Suspects: Application of the Mixed Jurisdiction Jurisprudence to International Law and Beyond*, 3 J. COMP. L. 160, 160 (2008). Thus, those non-ICF academics working with both foreign legal systems and the international legal system, as well when they more explicitly try to produce a comparative law work, need to have a solid understanding of comparative law methodologies.

3. Constitutional Restoration Act of 2004, H.R. 3799, 108th Cong. (2004) (“SEC. 201. Interpretation of the Constitution. In interpreting and applying the Constitution of the United States, a court of the United States may not rely upon any constitution, law, administrative rule, Executive order, directive, policy, judicial decision, or any other action of any foreign state or international organization or agency, other than the constitutional law and English common law.”) Its constitutionality was challenged, inter alia, during congressional testimony on the bill. See *Constitutional Restoration Act: Hearing Before Subcomm. on Courts, The Internet, and Intellectual Property*, 108th Cong. 34-36 (2004) (testimony of Professor Arthur Hellman) available at http://commdocs.house.gov/committees/judiciary/hju95803.000/hju95803_0.HTM#34.

4. Charlotte Ku & Christopher J. Borgen, *American Lawyers And International Competence*, 18 DICK. J. INT'L L. 493, 502 (2000) (“[Y]et, even though a knowledge of comparative law would be of great use to American lawyers, it is unfortunate to note that the U.S. legal profession has less expertise today in comparative law than it did in previous generations. Ernst C. Steifel and James Maxeiner observed:

The United States pays comparative law no mind . . . Comparative law has less importance in the U.S. today than it did a generation ago, and, less than it did in much of the nineteenth century. While there has never been a golden age of comparative law in America, Basil Markesinis noted that central European émigré scholars did achieve “phenomenal success” in the 1950’s, and 1960’s when they made comparative law a “recognized, even admired, topic at a time when there was really little practical need for it.” Unfortunately, he laments that it “flounder[s] at a time when a shrinking world needs it more than ever.”

Moreover, “[w]hile many courses may appear in catalogues, ‘virtually nobody - only a handful of students - actually take these courses. The vast majority of American law students graduate in complete ignorance of comparative law.’)

There may be both a lack of knowledge and understanding of the substantive ICF law. There may also be insufficient consideration of the context of that ICF law – the historic, political, cultural, legal, and other relevant contexts that are necessary to understand when working with ICF law. Moreover, even where that knowledge or experience exists, there will usually be an absence of understanding of comparative law methodologies.⁵

The scale of these problems may now be so large that they cannot be ignored any longer, especially given the growing pressure on academics to engage in ICF law. Those pressures include an increasing globalization of the non-comparatists' own fields as their colleagues also succumb to ICF influences.⁶ Such influences are themselves part of the pressure and may include factors such as an increasing presence of ICF law in law schools, numerous foreign summer law programs (that typically involve non-ICF faculty), and a large and increasing presence of foreign law and foreign law students in American law schools.⁷ While it would be nice to say that one of the pressures is that American law reform is increasingly employing comparative law as one of its tools, such a role is sporadic and still quite controversial.⁸

That controversy, usually surrounding the use of comparative

Id. (citing Ernst C. Steifel and James R. Maxeiner, *Why are U.S. Lawyers Not Learning from Comparative Law*, Liber Amicorum for Thomas Bär and Robert Karrer 214-15 (1997)).

5. John H. Langbein, *Judging Foreign Judges Badly: Nose Counting Isn't Enough*, 18 JUDGES J. 4, 50 (1979).

6. See, e.g., Laurel S. Terry, *U.S. Legal Ethics: The Coming of Age of Global and Comparative Perspectives*, 4 WASH. U. GLOB. STUD. L. REV. 463, 463, 469 (2005).

7. See generally, Carole Silver, *Internationalizing U.S. Legal Education: A Report on the Education of Transnational Lawyers*, 14 CARDOZO J. INT'L & COMP. L. 143, 146-50 (2006).

8. Compare *Roper v. Simmons*, 543 U.S. 551, 575 (2005) (explaining that the issue is decided under the 8th Amendment of the U.S. Constitution, and other countries' stance on the issue is merely instructive and not binding) with *Roper*, 543 U.S. at 605 (O'Connor, J., dissenting) ("[t]his Nation's evolving understanding of human dignity certainly is neither wholly isolated from, nor inherently at odds with, the values prevailing in other countries."); see also *id.* ("[a]n international consensus . . . can serve to confirm the reasonableness of a consonant and genuine American consensus."); but see *Atkins v. Virginia*, 536 U.S. 304, 347-48 (2002) (Scalia, J., dissenting) ("[e]qually irrelevant [to the disposition of the case] are the practices of the 'world community,' whose notions of justice are (thankfully) not always those of our people.").

law by American judges, masks the fact that most American legal scholars and practitioners are ignorant of the controversy itself, as well as ignorant of ICF law. Most problematically, most American legal scholars and practitioners are unaware of the extent of their ignorance relating to ICF law and comparative law methodology. This may be a particular problem for American lawyers, judges, and academics who share a similar cultural antipathy to ICF law. This common legal culture includes characteristics that make such problems endemic. These characteristics are either broadly related to some form of ignorance, or related to an inherent disconnect between American legal culture and ICF law. The cultural characteristics, some of which are related and reinforcing are discussed in detail below, include:

An ignorance of “foreign law” and the comparative method;

That the two legal systems do not mesh well – ICF Law is simply too alien;

American legal chauvinism and insularity;

A dearth of foreign language knowledge among Americans; and

That foreign and comparative law, and even international law, are difficult and awkward – they are too diffuse, diverse, and difficult to master.

The ignorance is a result of the historical obscurity of ICF in American legal education and culture. Today, while less obscure, ICF is still relatively invisible in most legal education environments. Indeed, it has been asserted that compared to one hundred years ago, the average American law student is only slightly more likely to encounter ICF law during his or her legal education.⁹ While it is true that ICF law is increasing in U.S.

9. Claudio Grossman, *Building the World Community: Challenges to Legal Education and the WCL Experience*, 17 AM. U. INT'L L. REV. 815, 824-26 (2002); see also Michelle Rodenborn, Alan M. Kindred & Martin Perlberger, *Has Your Practice Gone Global? Let the International Law Section be your Guide through the New Global Economy*, 24 L.A. LAW. 10, 10 (2001) (“Although many law schools have more greatly emphasized their courses on international law in recent years, the typical Los Angeles lawyer has little or

legal education, its growth is slow, disjointed, and inadequate.¹⁰ For sure, ICF law is talked about often and its position in the curriculum may be changing slightly due to study abroad programs and some law schools making ICF a more central part of their curriculum.¹¹ Unfortunately, the study abroad experience is too often more of a holiday than a true academic experience and is not typically connected to the law school curriculum or practice upon the student's return. Furthermore, most American law schools still do not have international or comparative law as central features of the curriculum and these subjects are also not tested on any of the bar exams in the United States.¹²

ICF law is also alien to most American law scholars and practitioners. American lawyers, judges, and legal academics face an almost unique obstacle among all legal systems. They are particularly isolated from the world's other legal systems due to the historic geographic isolation of North America and the comprehensive internal economy of the United States. Even our close North American neighbor, Canada, is not so isolated because it is forced economically to interact with the rest of the world and because it is exposed to the civil law through its interactions with

no formal training in international concerns.”).

10. Hiram E. Chodosh, *Globalizing the U.S. Law Curriculum: The Saja Paradigm*, 37 U.C. DAVIS L. REV. 843 (2004); Grossman, *supra* note 9, at 824-26; Ku & Borgen, *supra* note 4, at 503 (“A recent ABA study examined international law and the American law school. The study defined international law broadly, including ‘traditional public international law, comparative law and international business law.’ The survey found that, although ‘almost all’ U.S. law schools have at least one international law class and ‘almost all’ have multiple international law offerings, with 90% of the respondent schools stating that they had five or more such courses, at most 37% of the students of responding schools had taken any international law. Moreover, if one corrects for schools with high percentages, then one finds that ‘at most law schools across the United States, fewer than 20 percent of graduates take a course in international law.’”) (citations omitted, but citing John A. Barrett, Jr., *International Legal Education in U.S. Law Schools: Plenty of Offerings, But Too Few Students*, 31 INT’L LAW. 845, 846-54 (1997)).

11. See, e.g., *International and Graduate Studies Curriculum*, FLA. INT’L U. COLL. OF LAW, available at http://law.fiu.edu/index.php?option=com_content&task=view&id=15&Itemid=138; *International and Comparative Law Programs*, HOFSTRA LAW, available at <http://law.hofstra.edu/Academics/Programs/InternationalLaw/index.html>.

12. Claudio Grossman, *Chapter 3 Building the World Community Through Legal Education*, 14 IUS GENTIUM 21, 28 (2008).

the Quebec legal community.¹³ Similarly, our close common law cousin, England, has been forced to confront the civil law tradition through its participation in the European Union¹⁴ and through its interaction with its northern mixed jurisdiction neighbor Scotland.¹⁵ The remaining common law countries are otherwise relatively small and their legal actors are thus forced into greater international cooperation than is experienced by the typical American lawyer, judge, and legal academic. The remaining legal systems of the world fall largely within the civil law orbit,¹⁶ and due to the overwhelming role of America and its legal culture they are also exposed to foreign legal systems to a significantly greater extent than is the case for the American legal system.¹⁷ Thus, Americans are both isolated, relatively speaking, and even perhaps isolationist! ICF is therefore that much more alien and awkward to American lawyers and legal academics.

Additionally, given that so many of the world's legal systems are not part of the common law legal tradition, American lawyers and legal scholars must also confront foreign systems that are very different from their own. This difference is far greater than the disparities present between two civil law systems, such as the French and German versions of the civil law. Of course, Americans should have some familiarity with two American "foreign" legal systems, both significantly civilian – that of Louisiana and International Law.¹⁸ Yet most American legal

13. See, e.g., Supreme Court Act, R.S.C. 1985, c. S-26, s. 6 (Can.) (requiring at least three judges from Quebec).

14. See, e.g., Charlemagne, *Where there's a will there's a row*, ECONOMIST, Oct. 17, 2009 at 65 (discussing the significant difference between the common and civil law rules on forced inheritances to spouses and children in the context of the European Union).

15. MARY ANN GLENDON, PAOLO G. CAROZZA & COLIN B. PICKER, COMPARATIVE LEGAL TRADITIONS: TEXTS, MATERIALS AND CASES ON WESTERN LAW 956-60 (Thomson/West, 3d ed. 2007).

16. Wayne R. Barnes, *Contemplating a Civil Law Paradigm for a Future International Commercial Code*, 65 LA. L. REV. 677, 684-85 (2005) (stating that fifty-one nations employ common law legal systems compared to 115 that employ civil law systems).

17. While the author is not aware of any study on the impact on other legal systems of American exports of its television and movie law programs, it is hard to imagine that they do not have an impact, just as the larger export of American culture is having significant influence on countries around the world.

18. See generally, Picker, *International Law's Mixed Heritage*, *supra* note

scholars and practitioners are quite ignorant of the relevant parts of those systems as well.

Furthermore, as little presence as there may be for international law within the U.S. legal landscape, it is considerably more present than comparative law and its methodologies!¹⁹ A simple comparison of the textbooks available (dozens of international law books versus less than a handful for general comparative law)²⁰ and the size of the fields' academic organizations (thousands of people at the American Society of International Law Annual meeting (though many were not American), less than 100 at the Annual Comparative Law meeting (also, many not American)) clearly demonstrate the relatively larger presence of international law than that of comparative law. Consequently, there is little comparative law knowledge out there to provide the assistance the bench and bar require when dealing with ICF law.

Of course, it could be said that American judges and litigators should be thoroughly immersed in comparative methodology and jurisprudence. After all, the country is a collection of fifty different states as diverse as Hawaii, Alaska, Mississippi, New York, Vermont, Texas, and California. The courts and their litigators confront the legal systems of other U.S. states as a result of the integrated economy and society and a rather sophisticated body of Choice of Law that will frequently result in application of another state's law to a legal dispute. Surely, the fact that the courts must daily consider these other legal systems should have created a well-trained cadre of comparatists.

However, as different as Hawaii is to Mississippi, the fact is that almost all states, with the small exception of Louisiana, have essentially similar legal systems, sharing remarkably similar legal culture and institutions. For example, one state may apply the Restatement (Second) Conflict of Laws rules while a

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19. Ku & Borgen, *supra* note 4.

20. *E.g.*, with respect to West Publishing, perhaps the foremost law textbook provider in the United States, one can see that West advertises fourteen public international law textbooks and five comparative law textbooks, though when specialized international courses are included, the number of international texts rises dramatically. WEST, <http://west.thomson.com/default.aspx> (last visited Nov. 21, 2010).

neighboring state may apply the traditional rules.²¹ Or one state may have a constitutional ban on same-sex marriage while a neighboring state permits same-sex unions.²² Yet the judges, lawyers, legislators, role of the litigants, and the laws are nonetheless essentially and solidly within the American version of the Anglo-American common law. Yes, Louisiana is different, and one may find isolated and unusual aspects within other states, but one small jurisdiction and a collection of minor laws in other states are clearly insufficient to change the generally uniform features of the U.S. legal landscape. However, even Louisiana includes significant aspects of the American legal culture and is itself more mixed than foreign.²³ Accordingly, the different states within the United States are not actually so different in legal concepts and contexts and hence true comparative analysis is not normally required. Indeed, when a U.S. judge, be it federal or state, applies another state's laws, he or she may occasionally delve into the cultural, historical, political, legal, and societal contexts of the other state, but this will be rare and perhaps even unnecessary. Thus, application of other U.S. state law does not a comparatist make – at least in most instances (though it has produced a very sophisticated corpus of choice of law analyses).

In contrast to inter-United States comparisons, when considering the truly different legal systems of other countries and regions, it is imperative to consider the whole picture within which that law sits to diminish the risk of drawing incorrect conclusions. When American lawyers and judges are faced with ICF law, there is a great risk that they will not apply comparative

21. See Symeon C. Symeonides, *Choice Of Law in the American Courts in 2008: Twenty-Second Annual Survey*, 57 AM. J. COMP. L. 269, 279-80 (2009). Compare Missouri (which follows RESTATEMENT (SECOND) CONFLICT OF LAWS for torts and contracts) with Kansas (which follows the traditional rules for torts and contracts).

22. Compare Missouri (banning same sex marriages/unions) Mo. Const. art. I, § 33 (stating “[t]hat to be valid and recognized in this state, a marriage shall exist only between a man and a woman”); with Iowa (permitting same sex marriages/unions) *Varnum v. Brien*, 763 N.W.2d 862, 907 (Iowa 2009) (“[T]he language in Iowa Code section 595.2 limiting civil marriage to a man and a woman must be stricken from the statute, and the remaining statutory language must be interpreted and applied in a manner allowing gay and lesbian people full access to the institution of civil marriage.”).

23. See generally, Shael Herman, *E Pluribus Unum: The Paradox that Safeguards Louisiana's Mixed Legal System*, 78 TUL. L. REV. 457 (2003).

law methodologies because they will typically be ignorant of them. Even when prepared to apply international law, as they should, given its formal place within the American legal system, they are at great risk of applying it in an unsophisticated and potentially quite erroneous manner. Indeed, the fact that international law scholars do not even consider their field to be akin to a foreign field is itself problematic. The flawed belief that it is *sui generis* may lead most international law analyses away from comparative methodologies.²⁴ These are very serious problems for our colleagues as well as for the bench and bar, who all may go so wrong without ever realizing they are so far adrift.²⁵

Those academics who are knowledgeable in foreign or comparative law should try to help ameliorate these potentially very serious problems. Obviously, the usual scholarship produced by comparatists is helpful for current practitioners and policy makers, though it would be even more so were it more focused on practice. Similarly, even greater prominence of comparative law issues within law school curricula and courses would also serve to prepare future practitioners and policy makers. Unless the issue is approached across all of legal academia, including to non-comparatist academics, comparative law methodology and basic foreign law understanding will continue to be marginalized and misapplied. In other words, the "ordinary" law professors, both new and experienced, need guidance and support as they increasingly employ comparative methodologies and foreign law in their scholarship and classrooms.

Assisting non-comparatists is, however, not so straightforward. Indeed, as exhibited by the articles and essays in this symposium issue of the Roger Williams University Law Review, there are divergent views on methodologies and approaches even among comparatists. It is thus no surprise that educating one's colleagues may not be a simple matter even as

24. See Picker, *supra* note 2, at 1090-94.

25. Additionally, given the prominent role of student editing of both substance as well as style in American law journals, the problems may not be caught at the publishing stage, even in the ICF law specialty journals, which still rely upon relatively inexperienced students to perform the selection and editing of scholarship. In comparison, the rest of the world's use of peer review journals may more often, though not always, catch these sorts of egregious errors.

they feel pressure to increasingly understand the comparative aspects of their non-comparative law fields.

As an initial matter, a complicating factor for those wishing to provide assistance to our non-comparatists colleagues engaging in ICF work for the first time is that the form and substance of the assistance will depend on who the recipients are. That help will vary depending on whether the recipients are:

Established colleagues;

Newer members of the Academy;

Younger comparatists starting their career;

Graduate students (masters or doctoral);

J.D./L.L.B. students (and whether they are 1-L, 2-L, or 3-L);

Members of the bench or bar; and so on.²⁶

Each of these recipients would need to be handled differently. Each has different needs and different starting points in his or her understanding of ICF law. For example, students can be urged to undertake more formal study through courses offered, whereas members of the bench and the bar have more time constraints, and perhaps relevant CLE programs or hornbooks would be more appropriate. Also, students will increasingly have some ICF instruction or experience, while members, particularly older members, of the bench and bar may be starting from a point of never having experienced any ICF law. With respect to our established colleagues, their levels of ICF law sophistication can vary dramatically. Thus, it may be more appropriate to work with them on a joint project at first, or it may be that reference to an introductory ICF pedagogical work may be more suitable for ICF law novices.

Additionally, the advice and help provided to the recipients will depend on the purpose for the recipient's desire to master ICF law. Those purposes or goals may vary from teaching to research

26. I would be inclined to include within this category scholars looking to make international law their field of study, as well as those interested in comparative or foreign law.

to practice. If the purpose is for teaching, then it may be that some of the new resources that are coming on the market would be helpful. These resources are designed for the non-ICF instructor.²⁷ In contrast, when the goal is related to research, the assistance may involve referral to dedicated bibliographies,²⁸ work with skilled ICF librarians, employment of a foreign law student as a research assistant for that project, draft review by comparatists on the faculty, and so on. If the goal is practice related, one might refer the recipient to the many new comparative law handbooks on the market²⁹ or perhaps to select foreign counsel that are familiar with American practitioners.

A further complicating factor may be that the recipients often have different temporal interests. Some may have long term interests, while others have only a short-term or one time need for assistance. It may even be that the recipient is interested in entering the ICF law field. Each of these factors will impact the assistance – from suggestions to utilize foreign local counsel for practitioners with a one-off interest, to the mapping out of a more long term nuanced strategy for those wishing to enter the ICF field permanently, including assistance in direct experience in the foreign jurisdiction.

Perhaps the best method of incubation of comparatists is through their participation in such groups as the American Society of Comparative Law. Indeed, had a new or young comparatist attended the last annual meeting he or she would have been exposed to the many different forms and challenges of comparative methodology. The conference, and perhaps reflected in the articles of this symposium edition, had many nuggets of information that would be immensely helpful to a new or young comparatist or someone delving into ICF law for the first time. Among the many interesting points raised relevant to young or new comparatists were the following:³⁰

27. See, e.g., *The Global Issues Series*, WEST ACADEMIC PUBLISHING, <http://www.westglobalissues.com> (last visited Nov. 21, 2010); *Law Across Borders Series*, ASPEN PUBLISHERS, <http://www.aspenpublishers.com> (last visited Nov. 21, 2010).

28. See, e.g., *Library Research Bookmarks*, UNIV. OF MISSOURI-KANSAS CITY SCH. OF LAW LIBR., available at <http://www1.law.umkc.edu/library/bookmarks.htm#foreign>.

29. The author is involved in such a project with Edward Elgar.

30. These points are from the author's notes taken at the conference.

- 1.) Professor Clark noted the many different comparative methods that are employed. Indeed, there were so many methods that it is a challenge to know when application of each one is appropriate. If comparatists struggle with this issue, then how can one expect non-comparatists to effectively employ comparative methodologies?
- 2.) Professor Maxeiner noted the central role of legal reform for comparatists, suggesting a very vital role for comparative law in the development of our domestic legal systems. However, a very insightful comment from the audience noted that one may be more successful in using ICF law in American law reform when its foreign origin is explicitly not revealed, thus building on the American legal cultural obstacles noted earlier in this essay.
- 3.) Professor Curran pointed out that when one delves into the historical context of legal issues, one can see there may be differences in the understandings of just how that history played out. This may be of particular relevance when someone employs a historical comparative methodology but may come from a different culture or generation and thus may have a different view of the relevant history. In other words, the personal context of the nascent comparatists must also be taken into account.
- 4.) Eleanor Cashin-Ritaine, who then worked with practitioners, policy makers, and academics at the Swiss Institute of Comparative Law, noted that academics and non-academics have different approaches to comparative law methodologies.
- 5.) Professor Krishann further emphasized this point with his observation that one needs to be aware with whom one is working in the region under review. Thus, the comparative law interaction may vary considerably depending on whether the counter party is from an academic institution, the government or the local bar.
- 6.) Another point that came out of the discussions at the conference was that comparative methodologies may

often serve as a reality check on domestic legal innovations, based on comparatists' knowledge of similar innovations in other legal systems. Thus, in addition to proposing solutions, comparatists or those employing comparative methodologies may also protect legal systems from harmful reforms.

7.) Dean Demleitner noted that it is quite possible to come to opposite conclusions based on employment of different comparative methodologies. This suggests that the different methodologies are not just different methods to arrive at one correct resolution or analysis, but that they may themselves play a role in the analysis. In other words, the research or observational method may change the final analysis of the issue under review – an effect not unique to comparative law.

8.) Of relevance to those whose research is intended to contribute to foreign legal systems, as opposed to American legal systems, Professors Okeke and Krishnan observed that some regions in the world, particularly in the developing world, will tend to lack great depth in comparative law, making research more difficult than usual. Additionally, some regions may also tend to overlook the relevance or utility of the comparative analysis that may be proffered. In contrast, Professor Langer noted that in some similarly developed areas as those suggested by Professors Okeke and Krishnan, such as Latin America, there is already a great deal of comparative law research and thus an American's contribution of such comparative analysis, if needed, will face strong local comparative law competition.

All of the above points are just a few of the issues that new or young comparatists need to keep in mind. Indeed, the essays and articles provided in this symposium issue of the *Roger Williams University Law Review* may all prove highly useful to those approaching the methodology for the first time, and for comparatists at all levels of experience and expertise.

Today, comparative law cannot simply be the preserve of a few intellectual scholars exploring foreign legal systems and

traditions. It is now, and indeed always has been, an essential tool for all members of the legal profession, from academia to practice. But it is only now that we are truly seeing the rest of the legal academic world recognizing the vital role that comparative law and its methodologies must play in the growth and life of the law. However, many members of the legal community lack the necessary substantive and methodological background. It is therefore incumbent upon those in the field to step forward more assertively into the legal community, providing support and the tools needed to ensure that as ICF law is increasingly employed by new, younger, or non-comparatists, it is done so appropriately and to the best effect.